

## CHAMIZAL ARBITRATION

*Convention signed at Washington June 24, 1910*

*Amended by supplementary protocol of December 5, 1910*<sup>1</sup>

*Senate advice and consent to ratification December 12, 1910*

*Ratified by Mexico December 27, 1910*

*Ratified by the President of the United States January 23, 1911*

*Ratifications exchanged at Washington January 24, 1911*

*Entered into force January 24, 1911*

*Proclaimed by the President of the United States January 25, 1911*

*Terminated June 15, 1911*<sup>2</sup>

36 Stat. 2481; Treaty Series 555

### CONVENTION FOR THE ARBITRATION OF THE CHAMIZAL CASE

The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title to the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the said Commission, established by the Convention of 1889,<sup>3</sup> which for the case only shall be enlarged as hereinafter provided, have resolved to conclude a Convention for that purpose, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

The President of the United States of Mexico, Don Francisco León de la Barra, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

<sup>1</sup> TS 556, *post*, p. 933.

<sup>2</sup> Date of arbitration award. For text of award, see *Reports of International Arbitral Awards* (United Nations sales no. 61. V.4), vol. XI, p. 316. For convention signed at México Aug. 29, 1963, giving effect to 1911 arbitration award, see 15 UST 21; TIAS 5515

<sup>3</sup> Convention signed at Washington Feb. 18, 1889 (TS 231, *ante*, p. 874).

## ARTICLE I

The Chamizal tract in dispute is located at El Paso, Texas, and Ciudad Juarez, Chihuahua, and is bounded westerly and southerly by the middle of the present channel of the Rio Grande, otherwise called Rio Bravo del Norte, easterly by the middle of the abandoned channel of 1901, and northerly by the middle of the channel of the river as surveyed by Emory and Salazar in 1852, and is substantially as shown on a map on a scale of 1-5,000, signed by General Anson Mills, Commissioner on the part of the United States, and Señor Don F. Javier Osorno, Commissioner on the part of Mexico, which accompanies the report of the International Boundary Commission, in Case No. 13, entitled "Alleged Obstruction in the Mexican End of the El Paso Street Railway Bridge and Backwaters Caused by the Great Bend in the River Below", and on file in the archives of the two Governments.

## ARTICLE II

The difference as to the international title of the Chamizal tract shall be again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only, of a third Commissioner, who shall preside over the deliberations of the Commission. This Commissioner shall be a Canadian jurist and shall be selected by the two Governments by common accord, or, failing such agreement, by the Government of Canada, which shall be requested to designate him. No decision of the Commission shall be perfectly valid unless the Commission shall have been fully constituted by the three members who compose it.

## ARTICLE III

The Commission shall decide solely and exclusively as to whether the international title to the Chamizal tract is in the United States of America or Mexico. The decision of the Commission, whether rendered unanimously or by majority vote of the Commissioners, shall be final and conclusive upon both Governments, and without appeal. The decision shall be in writing and shall state the reasons upon which it is based. It shall be rendered within thirty days after the close of the hearings.

## ARTICLE IV

Each Government shall be entitled to be represented before the Commission by an Agent and such Counsel as it may deem necessary to designate; the Agent and Counsel shall be entitled to make oral argument and to examine and cross-examine witnesses and, provided that the Commission so decides, to introduce further documentary evidence.

ARTICLE V<sup>4</sup>

On or before December 1, 1910, each Government shall present to the Agent of the other party two or more printed copies of its case, together with the documentary evidence upon which it relies. It shall be sufficient for this purpose if each Government delivers the copies and documents aforesaid at the Mexican Embassy at Washington or at the American Embassy at the City of Mexico, as the case may be, for transmission. As soon thereafter as possible, and within ten days, each party shall deliver two printed copies of its case and accompanying documentary evidence to each member of the Commission. Delivery to the American and Mexican Commissioners may be made at their offices in El Paso, Texas; the copies intended for the Canadian Commissioner may be delivered at the British Embassy at Washington or at the British Legation at the City of Mexico.

On or before February 1, 1911, each Government may present to the Agent of the other a counter-case, with documentary evidence, in answer to the case and documentary evidence of the other party. The counter-case shall be delivered in the manner provided in the foregoing paragraph.

The Commission shall hold its first session in the city of El Paso, State of Texas, where the offices of the International Boundary Commission are situated, on March 1, 1911, and shall proceed to the trial of the case with all convenient speed, sitting either at El Paso, Texas, or Ciudad Juarez, Chihuahua, as convenience may require. The Commission shall act in accordance with the procedure established in the Boundary Convention of 1889. It shall, however, be empowered to adopt such rules and regulations as it may deem convenient in the course of the case.

At the first meeting of the three Commissioners each party shall deliver to each of the Commissioners and to the Agent of the other party, in duplicate, with such additional copies as may be required, a printed argument showing the points relied upon in the case and counter-case, and referring to the documentary evidence upon which it is based. Each party shall have the right to file such supplemental printed brief as it may deem requisite. Such briefs shall be filed within ten days after the close of the hearings, unless further time be granted by the Commission.

## ARTICLE VI

Each Government shall pay the expenses of the presentation and conduct of its case before the Commission; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Canadian Commissioner, shall be borne by the two Governments in equal moieties.

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<sup>4</sup> For amendments to art. V, see supplementary protocol of Dec. 5, 1910 (TS 556), *post*, p. 933.

## ARTICLE VII

In case of the temporary or permanent unavoidable absence of any one of the Commissioners, his place will be filled by the Government concerned, except in the case of the Canadian jurist. The latter under any like circumstances shall be replaced in accordance with the provisions of this Convention.

## ARTICLE VIII

If the arbitral award provided for by this Convention shall be favorable to Mexico, it shall be executed within the term of two years, which can not be extended, and which shall be counted from the date on which the award is rendered. During that time the *status quo* shall be maintained in the Chamizal tract on the terms agreed upon by both Governments.

## ARTICLE IX

By this Convention the contracting Parties declare to be null and void all previous propositions that have reciprocally been made for the diplomatic settlement of the Chamizal Case; but each party shall be entitled to put in evidence by way of information such of this official correspondence as it deems advisable.

## ARTICLE X

The present Convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this 24th day of June, one thousand nine hundred and ten.

PHILANDER C. KNOX [SEAL]

F. L. DE LA BARRA [SEAL]